



Attorney Docket No. 10/616,403-0-139300US  
Client Ref. No.: 2003-534

PTO/SB/01A (08-03)

## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

**Title of Invention** BREAST CANCER GENES

As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or  
 Application No. 10/616,403, filed on July 8, 2003,  
 as amended on \_\_\_\_\_ (if applicable);

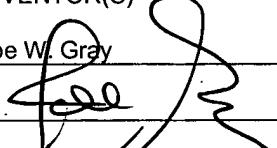
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

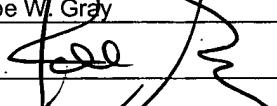
I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

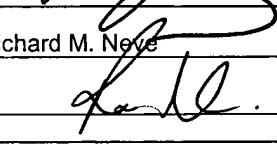
I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

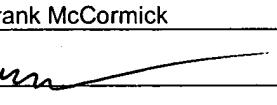
### FULL NAME OF INVENTOR(S)

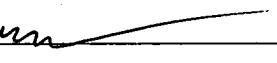
Inventor 1 Joe W. Gray  Date: 12/15/03

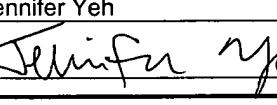
Signature:  Citizen of: United States

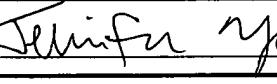
Inventor 2 Richard M. Neve  Date: 1/15/04

Signature:  Citizen of: United Kingdom

Inventor 3 Frank McCormick  Date: 1/16/04

Signature:  Citizen of: UK

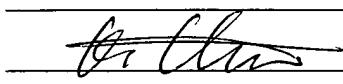
Inventor 4 Jennifer Yeh  Date: 1/12/04

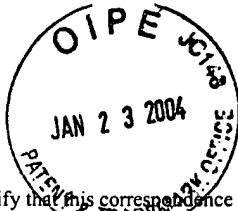
Signature:  Citizen of: U.S.

Additional inventors are being named on additional form(s) attached hereto.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76) –  
ADDITIONAL INVENTOR(S)**  
**Supplemental Sheet**  
(Total 3 forms are submitted.)

**FULL NAME OF INVENTOR(S)**

|             |   |             |         |
|-------------|---|-------------|---------|
| Inventor 5: | Koei Chin   | Date:       | 1/12/04 |
| Signature:  |  | Citizen of: | Taiwan  |
| Inventor 6: | Madhu Macrae  | Date:       | 1-12-04 |
| Signature:  |  | Citizen of: | US      |
| Inventor 7: |   | Date:       |         |
| Signature:  |   | Citizen of: |         |
| Inventor 8: |   | Date:       |         |
| Signature:  |   | Citizen of: |         |



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PATENT**  
Attorney Docket No.: 02307O-139300  
UC Case No. 2003-534-1

on 20 Jan 2004  
TOWNSEND and TOWNSEND and CREW LLP  
By Malinda A. Agst

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOE GRAY and RICHARD M. NEVE

Application No.: 10/616,403

Filed: July 8, 2003

For: BREAST CANCER GENES

**POWER OF ATTORNEY BY ASSIGNEE**  
**AND EXCLUSION OF INVENTOR(S) UNDER 37 CFR § 3.71**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Kevin L. Bastian, Reg. No. 34,774; M. Henry Heines, Reg. No. 28,219; Laurence J. Hyman, Reg. No. 35,551; Jean M. Lockyer, Reg. No. 44,879; Jeffry S. Mann, Reg. No. 42,837; Annette S. Parent, Reg. No. 42,058; William M. Smith, Reg. No. 30,223; Joseph R. Snyder, Reg. No. 39,381; Eugenia Garrett-Wackowski, Reg. No. 37,330; Ellen Lauver Weber, Reg. No. 32,762; Kenneth A. Weber, Reg. No. 31,677; all of the firm of Townsend and Townsend and Crew LLP (**Customer No. 29350**) as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office

connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with 37 CFR § 3.71.

An assignment of the entire interest in the above-identified subject application:

was recorded on \_\_\_\_\_ at reel/frame  
\_\_\_\_\_/\_\_\_\_\_.  
 is being concurrently submitted under separate cover to Attn: Mail Stop

Assignments for recording, a copy not for recordation is enclosed.

Please direct all telephone calls to Jean M. Lockyer and all correspondence relative to said application to the following address for **Customer No. 29350**:

Townsend and Townsend and Crew LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834

ASSIGNEE:

THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA

Signature:

Linda S. Stevenson

Typed Name:

Linda S. Stevenson

Title:

Manager, Patent Prosecution

Office of Technology Transfer

1111 Franklin Street, 12th Floor

Oakland, CA 94607-5200

Dated: January 16, 2004

Attorney Docket No. 02307O-1393-00US  
UC Case no. 2003-534-1**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Joe Gray and Richard M. Neve

Application No./Patent No.: 10/616,403 Filed/Issue Date: July 8, 2003

Entitled: BREAST CANCER GENES

The Regents of the University of California, a California corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.**OR**B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

January 16, 2004

Date

510-587-6000

Telephone number

Linda S. Stevenson

Typed or printed name

Signature

Manager, Patent Prosecution

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ASSIGNMENTU.C. Case No. 2003-534-1

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

|                           |                           |
|---------------------------|---------------------------|
| 1. <u>Joe W. Gray</u>     | 2. <u>Richard M. Neve</u> |
| 3. <u>Frank McCormick</u> | 4. <u>Jennifer Yeh</u>    |
| 5. <u>Koei Chin</u>       | 6. <u>Madhu Macrae</u>    |

hereby sells, assigns and transfers to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located 1111 Franklin St., 12<sup>th</sup> Floor, Oakland, CA 94607-5200, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled:

BREAST CANCER GENES

and which is found in

(a) \_\_\_\_\_ U.S. provisional application filed herewith and listing the above-named persons as inventors  
 (b) \_\_\_\_\_ U.S. patent application filed herewith and listing the above-named persons as inventors  
 (c) X U.S. application serial no. 10/616,403, filed on July 8, 2003  
 (d) \_\_\_\_\_ U.S. Patent No.: \_\_\_\_\_, issued \_\_\_\_\_

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

executed this

1. 15 day of December, 2003
2. 12 day of January, 2004
3. 12 day of January, 2004
4. 12 day of January, 2004
5. 15 day of JANUARY, 2004
6. 12 day of January, 2004

Signature of Inventor(s)